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11/05/2002

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EXAMINER

LUBY, MATTHEW D

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,324

Applicant(s)

KESHAVARAJ, RAMESH

Examiner

Matt Luby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 16, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Claims 1-12, 20 and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.
2. Applicant's election without traverse of Species IV, Figures 28-30, claims 13-26 in Paper No. 5 is acknowledged. However, claims 20 and 21 are not part of Species IV because they are not shown in Figures 28-30 and therefore will not be examined on the merits. These claims are therefore withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "wherein said airbag cushion possesses an effective fabric weight factor of about 8.0 or less" (claim ~~14~~¹⁵) is vague and indefinite. Firstly, this limitation is vague because it is unclear what is intended by the limitation "about" (namely, how close to 8.0 does "about" mean for the effective fabric weight factor. Secondly, from the

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claim it is unclear what the effective fabric weight factor actually is and what units it is measured in. Thirdly, it is unclear what is meant by the limitation "effective".

The limitation "has a fabric utilization of at least 90%" (claim 19) is vague and indefinite because it is unclear what this limitation encompasses.

The limitation "has about a 50% reduction in total seams over a conventional top mount cushion" (claim 23) is vague and indefinite. Firstly, it is unclear what "about" comprises. Secondly, it is unclear how many total seams a conventional top mount cushion has and it is therefore impossible to determine what this limitation and further what this claim comprises.

The limitation "has about a 40% reduction in fabric usage over a conventional top mount cushion" (claim 24) is vague and indefinite. Firstly, it is unclear what "about" comprises. Secondly, it is unclear how much fabric usage a conventional top mount cushion has and it is therefore impossible to determine what this limitation and further what this claim comprises.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim ^s13⁴¹⁴ is rejected under 35 U.S.C. 102(b) as being anticipated by Bunker et al. (5,667,241).

Bunker et al. disclose a method of forming an airbag cushion comprising cutting at least one slit/notch/opening (36) and closing the slit/notch/opening with a seam (col. 4, line 63 - col. 5, line 11). *to create an offset (shown clearly in Fig. 6)*

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15-19 and 22-26, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunker et al. in view of AAPA (Applicant's Admitted Prior Art).

Bunker et al. disclose an airbag cushion for a vehicle restraint system having at least two fabric panels (40 and 42) connected with substantially straight seams (52, 50), an offset created ^(shown clearly in Fig. 6) by closing a slit/notch/opening (36) with a seam (col. 4, line 63 - col. 5, line 11) and a fabric utilization of at least 90% (the entire cushion of the airbag is used in this case (as seen in Figures 5 and 6, so the fabric utilization is 100%). Bunker et al. do not specifically disclose an "effective fabric weight factor of about 3.0 or 8.0 or less. AAPA disclose an airbag fabric weight factor of about 3.0 or 8.0 or less (Tables 2 and 4, pages 20 and 22) in order to provide a desired airbag airspace volume, front panel

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protection area and/or sufficient overall protection for a passenger (page 21, lines 3-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the airbag with a fabric usage factor of about 8.0 or 3.0 or less in the Bunker et al. airbag as taught by AAPA in order to provide a desired airbag airspace volume, front panel protection area and/or sufficient overall protection for a passenger.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All of the cited documents relate to airbags having specific structural features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Luby whose telephone number is (703) 305-0441. The examiner can normally be reached on Monday-Friday, 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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Matt Luby
Examiner
Art Unit 3611

M.L.
October 28, 2002

Lesley D Morris
Lesley D. Morris
~~Primary Examiner~~
SPEAU 3611